

MUNICIPALITY OF THE COUNTY OF KINGS



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BY-LAW # 77

BY-LAW RESPECTING RELIEF FROM LIABILITY FOR OPERATIONS

1. BE IT RESOLVED as a By-law that the Council of the Municipality of the County of Kings determines that Section 154 of the Municipal Act, Chapter 295, R.S.N.S. 1995 applies to the Municipality of the County of Kings and its officers and employees.

2. Interpretation

- (a) "Sewerage" means the structures, devices, equipment and appurtenances intended for the collection, transportation, pumping and treatment of sewage, including stormwater;
- (b) "Water system" means the structures, devices, equipment and appurtenances intended for the collection, transportation, pumping and treatment of water.

3. Relief from Liability for Operation

The Municipality of the County of Kings and its officers and employees are not liable for damages caused, directly or indirectly, by

- (a) the operation, maintenance, repair, breaking or malfunction of sewerage or a water system; or
- (b) interference with the supply of water through a water system,

unless the damages are shown to be caused by the negligence of the municipality or its officers or employees.

4. Relief from Liability for Discharge

The Municipality of the County of Kings and its officers and employees are not liable for any damages caused by the discharge of any sewage or water into any premises from a public sewer unless such discharge was caused by the improper construction of the sewer or by neglect in the maintenance of it.

5. Relief from Liability for Breach

The Municipality of the County of Kings and its officers and employees are not liable for any damages caused by the discharge of any sewage or water into any premises from a public sewer in any case in which this Act or the by-laws of the Municipality of the County of Kings have not been complied with by any owner or previous owner of the property.

History of this By-law

Enacted - December 5, 1995